

ATTACHMENT A: Factual Stipulation – Shamai Leibowitz

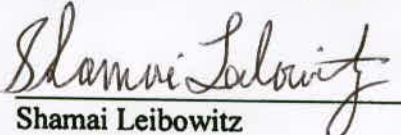
The parties hereby stipulate and agree that had this matter gone to trial, the government would have proven the following facts through competent evidence beyond a reasonable doubt. The parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter gone to trial.

At all times relevant to this case, defendant **SHAMAI LEIBOWITZ** was a resident of Maryland. From January 2009 through August 2009, **LEIBOWITZ** was employed by the Federal Bureau of Investigation (FBI) as a contract linguist in an office located in Calverton, Maryland. As part of his official duties, **LEIBOWITZ** held a Top Secret security clearance and lawfully had access to and possession of classified documents and information concerning the communication intelligence activities of the United States. **LEIBOWITZ** was not an authorized courier of classified information and was not authorized to remove classified information from his workplace.

In April 2009, **LEIBOWITZ** knowingly and willfully caused five documents, which were classified at the Secret level and contained classified information concerning the communication intelligence activities of the United States, to be communicated, furnished, transmitted, and made available to a person not entitled to receive classified information ("Recipient A"). Recipient A was the host of a public web log ("blog") available to anyone with access to the Internet. As **LEIBOWITZ** well knew, Recipient A was not authorized to receive the classified documents and information that **LEIBOWITZ** provided to Recipient A. Recipient A then published on the blog information derived from the classified documents provided to Recipient A by **LEIBOWITZ**. As a result of these disclosures, intelligence sources and methods related to these documents were compromised.

On or about August 12, 2009, **LEIBOWITZ** possessed at his residence in Silver Spring, Maryland, four classified documents marked "Secret." **LEIBOWITZ** had removed these documents from their proper place of storage at his FBI office. As **LEIBOWITZ** well knew, he was not authorized to store or retain classified materials at his residence.

Agreed to this 9 day of 12, 2009:


Shamai Leibowitz